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H.536

Introduced by Representatives Dakin of Colchester, Brennan of Colchester,
Condon of Colchester, and Taylor of Colchester

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; Town of Colchester;
amendments

Statement of purpose of bill as introduced: This bill proposes to approve
amendments to the charter of the Town of Colchester.

An act relating to approval of amendments to the charter of the Town of
Colchester

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the Town
of Colchester as set forth in this act. Proposals of amendment were approved
by the voters on March 7, 2017.

Sec. 2. 24 App. V.S.A. chapter 113 is amended to read:

CHAPTER 113. TOWN OF COLCHESTER

* * *

§ 202. ELECTIVE OFFICERS; GENERALLY

1 (a) At the annual meeting, the Town shall elect by Australian ballot from
2 among the legally qualified voters thereof the following Town officers, who
3 shall serve until the next annual meeting or until others are chosen.

4 * * *

5 (5) ~~One Grand Juror.~~

6 (6) ~~[Repealed.]~~

7 (7) A Library Trustee for a term of five years.

8 * * *

9 § 207. RECORD OF PROCEEDINGS

10 (a) It shall be the duty of the Selectboard to keep an official record of its
11 proceedings and policies, which shall be open for public inspection and
12 published on the Town's website.

13 * * *

14 § 304. BUDGET

15 An annual Town budget exclusive of school district budget shall become
16 effective after adoption at Town meeting by the vote of the majority of those
17 eligible to vote present at such meeting. After such budget has been adopted,
18 the Selectboard may make emergency appropriations totaling not in excess of
19 ~~two~~ four percent of the aggregate budget appropriations, following an
20 opportunity for public comment on the matter. Such emergency
21 appropriations shall be reported to the next Town meeting. Any appropriation

1 in excess of such ~~two~~ four percent shall require prior approval of a special
2 Town meeting. ~~Any article in the warning providing for appropriation of funds~~
3 ~~in addition to the Selectboard's budget shall be voted on by Australian ballot.~~

4 * * *

5 § 401. APPOINTMENT

6 The Selectboard shall appoint a Town Manager ~~for an indefinite term~~
7 pursuant to 24 V.S.A. chapter 37.

8 * * *

9 § 404. POWERS AND DUTIES

10 * * *

11 (b) Unless otherwise excused by the Selectboard, the Town Manager or his
12 or her designee shall attend all meetings of the Selectboard and the Town
13 Manager or his or her designee shall keep the Selectboard informed of the
14 financial condition and future needs of the Town and shall make such reports
15 as may be required by law, or ordinance, or which may be requested by the
16 Selectboard. The Town Manager shall make such other reports and
17 recommendations as the Town Manager may deem advisable, but shall not
18 vote. The Town Manager shall perform such other duties as may be prescribed
19 by this chapter, or required of the Town Manager by law, ordinance, or
20 resolution of the Selectboard not inconsistent with this chapter.

21 * * *

1 (l) The Town Manager may, when advisable or proper, delegate to
2 subordinate officers and employees of the Town any duties conferred upon the
3 Town Manager by this chapter or by action of the Selectboard, including the
4 enforcement of Town ordinances, and hold them responsible for the faithful
5 discharge of such duties.

6 * * *

7 § 406. REMOVAL

8 (a) On 90 days' notice, the Town Manager shall be removed by a majority
9 of the entire Selectboard so voting upon a finding of cause for removal. The
10 Town Manager may be suspended during this period, but the Town Manager's
11 pay shall continue until removal.

12 (b) The Selectboard shall adopt a resolution stating its intention to remove
13 the Town Manager and the reasons therefor, a copy of which shall be served
14 forthwith on the Town Manager ~~who may, within 10 days, demand a public~~
15 ~~hearing. Upon or after passage of such resolution the Selectboard may~~
16 ~~suspend the Town Manager from duty, but the Town Manager's pay shall~~
17 ~~continue until removal. If no appeal is filed, the dismissal by the Selectboard~~
18 ~~of the Town Manager shall be effective on the 19th day after notice. In the~~
19 ~~event of an appeal, the Selectboard shall hold a public hearing, along with a~~
20 notice of termination hearing not less than 10 days or more than 20 days from
21 the date of ~~appeal, after which it may dismiss the Town Manager~~ notice. The

1 Town Manager shall have an opportunity to be heard at the hearing. The
2 Selectboard may thereafter dismiss the Town Manager for cause.

3 * * *

4 § 602. PREPARATION AND SUBMISSION

5 (a) The Town Manager, at least 75 days before the annual Town meeting or
6 at such previous time as the Town Manager may be directed by the
7 Selectboard, shall submit to the Selectboard a budget containing:

8 * * *

9 (2) An itemized statement of appropriations recommended for current
10 expenses, and for capital improvements other than those included in multi-
11 year, voter approved capital plans, voter approved financing agreements, voter
12 approved debt, or impact fees adopted in accordance with 24 V.S.A.
13 chapter 131, during the next fiscal year; with comparative statements of
14 appropriations and estimated expenditures for the current fiscal year and actual
15 appropriations and expenditures for the immediate preceding fiscal year.

16 * * *

17 (4) A For capital to be funded through revenues other than those
18 included in multi-year, voter approved capital plans, voter approved financing
19 agreements, voter approved debt, or impact fees adopted in accordance with
20 24 V.S.A. chapter 131, a capital budget for the next five fiscal years, showing
21 anticipated capital expenditures, financing, and source of funding.

1 (b) The annual budget should be presented as follows:

2 * * *

3 (4) Not less than 15 days prior to the annual Town meeting, the Town
4 Manager shall print and distribute the Selectboard's recommended budget and
5 the final warning of the pending Town meeting.

6 (5) Not less than 15 days prior to the annual Town meeting, the Town
7 Manager shall also file the proposed capital budget with the Town Clerk and
8 Secretary of the Planning Commission pursuant to 24 V.S.A. § 4443(a).

9 § 603. TOWN MEETING AND BUDGET

10 The budget shall be approved or rejected by the legal voters by Australian
11 ballot, at the annual Town meeting or a special Town meeting. In the event of
12 rejection of the budget by the legal voters, within 30 days of a vote rejecting
13 the budget, the Selectboard shall set the time and place of the next special
14 Town meeting on the budget ~~shall be set by the Selectboard within 30 days.~~

15 * * *

16 § 606. DEPARTMENTAL BUDGET

17 The budget for a department shall include all proposed expenditures as
18 provided in the overall budget adopted at Town meeting. ~~The gross~~
19 ~~appropriation for each department shall not be exceeded except by consent of~~
20 ~~the Selectboard, subject to the provisions of section 304 of this chapter.~~ Town
21 department heads shall not exceed expenditures as approved by voters, or as

1 altered by the Selectboard or Town Manager, as permitted through this charter
2 or as permitted by Vermont law.

3 § 607. TRANSFERS OF APPROPRIATION

4 The Town Manager may at any time transfer an unencumbered
5 appropriation balance or portion thereof between general classification of
6 expenditures with an office, agency, or department. The Selectboard shall be
7 notified in writing of all such interdepartment transfers. The Selectboard may
8 transfer an unencumbered appropriation balance or a portion thereof between
9 departments. All transfers shall be documented and signed, and distributed to
10 the Town Clerk and Treasurer. Account transfers as noted in this section must
11 be managed within the total budget, with its ~~two percent~~ constraint as required
12 by section 304 of this chapter.

13 § 608. CAPITAL BUDGETING FOR VOTER APPROVED FUNDING

14 Capital budgets funded through voter approved multi-year capital plans,
15 voter approved agreements, voter approved debt, or impact fees adopted in
16 accordance with 24 V.S.A. chapter 131, shall follow the process for approval
17 outlined in 24 V.S.A. § 4443.

18 * * *

19 Subchapter 9. ~~Miscellaneous Provision~~ Ethical Conduct and Conflict of
20 Interest

21 § 901. ETHICAL CONDUCT

1 with State law.

2 * * *

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on passage.